

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

THOMAS IRVING HARPER,	)	CASE NO. C08-187-RSM
	)	
Plaintiff,	)	
	)	
v.	)	
	)	REPORT AND RECOMMENDATION
KING COUNTY POLICE DEPARTMENT,	)	
	)	
Defendant.	)	
_____	)	

Plaintiff is proceeding *pro se* and has been granted leave to proceed *in forma pauperis* in this action pursuant to 42 U.S.C. § 1983. On February 21, 2008, having screened Plaintiff's complaint pursuant to 28 U.S.C. § 1915A and noting deficiencies, the Court issued an Order granting Plaintiff leave to file an amended complaint that cured the deficiencies within thirty days. (Dkt. # 7.) The deadline for Plaintiff to file his amended complaint was March 24, 2008. The Court warned Plaintiff that failure to timely file an amended complaint would subject this action to dismissal. (*Id.* at 3.) On March 17, 2008, the Order was returned in the mail as undeliverable. (Dkt. # 9.)

To date, Plaintiff has neither filed an amended complaint nor sought a further extension

01 of time in which to do so. Additionally, at least sixty (60) days prior to the date of this Report and  
02 Recommendation, mail directed by the Clerk to Plaintiff was returned by the Post Office, and  
03 Plaintiff has not notified the Court of his current address. Thus, pursuant to Local Rule CR  
04 41(b)(2), the Court may dismiss the action without prejudice for failure to prosecute.

05 In failing to file an amended complaint, Plaintiff failed to remedy the deficiencies outlined  
06 in the Court's previous order. Accordingly, the Court recommends dismissal of this § 1983 action  
07 without prejudice. A proposed Order of Dismissal accompanies this Report and Recommendation.

08 DATED this 23rd day of May, 2008.

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11 Mary Alice Theiler  
12 United States Magistrate Judge  
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